

DOCKET NO: 238228US2DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

SEIZO SUZUKI, ET AL.

SERIAL NO: 10/608,210

FILED: JUNE 30, 2003

FOR: OPTICAL SCANNING DEVICE,
IMAGE FORMING APPARATUS, AND
OPTICAL SCANNING METHOD

:

: EXAMINER: CHEERY, E. P.

:

: GROUP ART UNIT: 2872

:

ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species requirement dated February 11, 2004,
Applicants elect with traverse the Species of Fig. 3A and identify Claims 3, 4, 7, 10, 13, and
16 as readable on the provisionally elected species.

Applicants respectfully traverse the Election of Species requirement for the following
reason.

MPEP § 803 states:

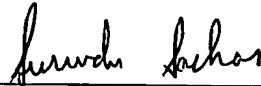
... If the search and examination of an entire application
can be made without serious burden, the Examiner must
examine it on the merits, even though it includes claims to
distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search
area. Accordingly, Applicants respectfully traverse the outstanding Election of Species
requirement on the grounds that a search and examination of the entire application would not
place a serious burden on the Examiner.

Accordingly, an action on the merits is earnestly solicited.

Respectfully submitted,

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